

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 9, 15, 18, and 19 are amended. New claims 24-30 are added. Claims 1-30 are pending in this application.

35 U.S.C. § 102

Claims 1, 8-11, 14-16, 19, 20, 22, and 23 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,075,862 to Yoshida et al. (hereinafter "Yoshida"). Applicant respectfully submits that claims 1, 8-11, 14-16, 19, 20, 22, and 23, as amended, are not anticipated by Yoshida.

Yoshida is directed to a decryption key management scheme for a software distribution system (see, col. 1, lines 1-9). The software ID and decryption key for software are stored into a decryption key memory unit (see, col. 6, lines 12-14). Yoshida further discloses that when re-installing the software that was already installed once, it is possible to decrypt the encrypted software content immediately by utilizing the decryption key stored in the decryption key memory unit (see, col. 7, lines 13-20). When the software is installed for the first time, the decryption key will be automatically acquired from the software vendor (see, col. 7, lines 13-20).

In contrast, amended **claim 1** recites (in part):

an encrypted software module; and
an executive for decrypting the encrypted software module
when at least one of a set of trigger files is stored on a computing
system, wherein each of the trigger files consists of only content
other than a decryption key for decrypting the encrypted software
module.

Applicant respectfully submits that the installation module of amended claim 1 is not disclosed or suggested by Yoshida because Yoshida does not disclose or suggest a trigger file that consists of only content other than a decryption key for decrypting the encrypted software module. In the September 25 Office Action, the decryption key of Yoshida is cited as disclosing the trigger file of claim 1 (see, ¶ 3, p. 2). However, Applicant respectfully submits that the decryption key of Yoshida does not disclose or suggest the trigger file of amended claim 1 because the trigger file of amended claim 1 consists of only content other than a decryption key for decrypting the encrypted software module.

For at least these reasons, Applicant respectfully submits that amended claim 1 is allowable over Yoshida.

Given that **claim 8** depends from amended claim 1, Applicant respectfully submits that claim 8 is likewise allowable over Yoshida for at least the reasons discussed above with respect to amended claim 1.

With respect to amended **claim 9**, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, the decryption key of Yoshida does not disclose or suggest that each file of the set of trigger files does not include a key for decrypting the encrypted software module as claimed in amended claim 9. For at least these reasons, Applicant respectfully submits that amended claim 9 is allowable over Yoshida.

Given that **claims 10, 11, and 14** depend from amended claim 9, Applicant respectfully submits that claims 10, 11, and 14 are likewise allowable over Yoshida for at least the reasons discussed above with respect to amended claim 9.

With respect to amended **claim 15**, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, the decryption key of Yoshida does not disclose or suggest that none of the trigger files includes a decryption key for decrypting the encrypted software module as claimed in amended claim 15. For at least these reasons, Applicant respectfully submits that amended claim 15 is allowable over Yoshida.

Given that **claims 16, 19, 20, 22, and 23** depend from amended claim 15, Applicant respectfully submits that claims 16, 19, 20, 22, and 23 are likewise allowable over Yoshida for at least the reasons discussed above with respect to amended claim 15.

Applicant respectfully requests that the §102 rejections be withdrawn.

35 U.S.C. § 103

Claims 4, 6, 12, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of U.S. Patent No. 6,058,478 to Davis (hereinafter "Davis"). Applicant respectfully submits that claims 4, 6, 12, and 21 are not obvious over Yoshida in view of Davis.

Claims 4 and 6 depend from amended claim 1, **claim 12** depends from amended claim 9, and **claim 21** depends from amended claim 15. Applicant respectfully submits that claims 4, 6, 12, and 21 are allowable over Yoshida for at least the reasons discussed above regarding their respective independent claims. Applicant respectfully submits that Davis is not cited as curing, and furthermore does not cure, the deficiencies of Yoshida with respect to amended claims 1, 9,

and 15 as discussed above. Thus, for at least these reasons, Applicant respectfully submits that claims 4, 6, 12, and 21 are allowable over Yoshida in view of Davis.

Claims 7 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Davis and further in view of U.S. Patent No. 5,825,890 to Elgamal et al. (hereinafter "Elgamal"). Applicant respectfully submits that claims 7 and 13 are not obvious over Yoshida in view of Davis and further in view Elgamal.

Claim 7 depends from amended claim 1, and **claim 13** depends from amended claim 9. Applicant respectfully submits that claims 7 and 13 are allowable over Yoshida for at least the reasons discussed above regarding their respective independent claims. Applicant respectfully submits that Davis and Elgamal are not cited as curing, and furthermore do not cure, the deficiencies of Yoshida with respect to amended claims 1 and 9 as discussed above. Thus, for at least these reasons, Applicant respectfully submits that claims 7 and 13 are allowable over Yoshida in view of Davis and further in view of Elgamal.

Claims 2, 3, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of U.S. Patent No. 5,563,950 to Easter et al. (hereinafter "Easter"). Applicant respectfully submits that claims 2, 3, and 18 are not obvious over Yoshida in view of Easter.

Easter discloses system and methods for encrypting data using public key cryptography (see, col. 1, lines 1-13). Easter discloses that each user has both an individual public key and an individual private key (see, col. 1, lines 53-55). The public key is obtainable from a common database of every user and their respective public key, and the private keys are conventionally entered in the local

system by the user through manual entry or insertion of a removable data card with the private key stored thereon (see, col. 1, lines 55-61).

With respect to **claim 2**, claim 2 has been amended to incorporate the elements of its base claim (claim 1) as originally filed. Applicant respectfully submits that Yoshida in view of Easter does not disclose or suggest an installation module as recited in claim 2. In the September 25 Office Action, it was asserted that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Yoshida in a database so that the software vendor could maintain a central computing system, or key manager, to ensure that each user has their own key as taught in Easter (col. 1, lines 56-61)" (see, ¶ 7, p. 6). Applicant respectfully disagrees.

Claim 2 recites:

An installation module comprising:
an encrypted software module;
an executive for decrypting the encrypted software module
when at least one of a set of trigger files is stored on a computing
system; and
a database for identifying the trigger files.

Thus, in claim 2, the database for identifying the trigger files is part of the same installation module as the encrypted software module and the executive. Applicant respectfully submits, however, that a software vendor maintaining a central computing system or key manager as asserted in the September 25 Office Action does not disclose or suggest a database for identifying trigger files that is part of an installation module as claimed in claim 2. Applicant respectfully submits that the mere disclosure of a common database of every user and their respective public key does not disclose or suggest a database for identifying the

trigger files is part of the same installation module as the encrypted software module and the executive as recited in claim 2.

Applicant thus submits that neither Yoshida nor Easter, individually or in combination, discloses or suggests a database for identifying trigger files as claimed in claim 2. For at least these reasons, Applicant respectfully submits that claim 2 is allowable over Yoshida in view of Easter.

With respect to **claim 3**, claim 3 depends from claim 2 and Applicant respectfully submits that claim 3 is allowable over Yoshida in view of Easter for at least the reasons discussed above with respect to claim 2. Furthermore, Applicant respectfully submits that Yoshida in view of Easter does not disclose or suggest that the database (which is part of the installation module) includes a key for decrypting the software module (which is also part of the installation module) as recited in claim 3. Yoshida discloses obtaining a decryption key from the decryption key memory unit (see, col. 7, lines 13-17) or by communication with a software vendor through a communication network or in a form of a memory medium storing the decryption key therein in exchange for the payment of the software usage charge (see, col. 12, lines 27-32). In the software distribution scheme of Yoshida, the encrypted software content is distributed to users for free or for a very small charge, and a decryption key for decrypting the encrypted software content is issued to a user who wishes to use this software in exchange for the payment of the software usage charge for this software (see, col. 5, lines 15-21). Applicant respectfully submits that nowhere in the discussion of the software distribution scheme of Yoshida is there any disclosure or suggestion of

including a key for decrypting a software module in a same installation module as the encrypted software module as recited in claim 3.

For at least these reasons, Applicant respectfully submits that claim 3 is allowable over Yoshida in view of Easter.

With respect to **claim 18**, Applicant respectfully submits that, similar to the discussion above regarding claim 2, Yoshida in view of Easter does not disclose or suggest wherein the decrypting includes retrieving a cryptographic key from a database of an installation module that includes the encrypted software module as recited in amended claim 18. For at least these reasons, Applicant respectfully submits that amended claim 18 is allowable over Yoshida in view of Easter.

Claims 5 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Easter and further in view of U.S. Patent No. 5,199,073 to Scott (hereinafter "Scott"). Applicant respectfully submits that claims 5 and 17 are not obvious over Yoshida in view of Easter and further in view of Scott.

Claim 5 depends from amended claim 1, and **claim 17** depends from amended claim 15. Applicant respectfully submits that claims 5 and 17 are allowable over Yoshida for at least the reasons discussed above regarding their respective independent claims. Applicant respectfully submits that Easter and Scott are not cited as curing, and furthermore do not cure, the deficiencies of Yoshida with respect to amended claims 1 and 15 as discussed above. Thus, for at least these reasons, Applicant respectfully submits that claims 5 and 17 are allowable over Yoshida in view of Easter and further in view of Scott.

Applicant respectfully requests that the §103 rejections be withdrawn.